

(Regulations of the Fair Political Practices Commission, Title 2, Division 6, California Code of Regulations.)

**§ 18747. Influencing Prospective Employment.**

(a) No public official shall "make," "participate in making," or "use his or her official position to influence" any governmental decision, as defined in 2 Cal. Code Regs., sections 18702.1, 18702.2, 18702.3, 18702.4, if the decision directly relates to a prospective employer.

(b) A governmental decision "directly relates" to a prospective employer if the public official knows or has reason to know:

(1) The prospective employer is "directly involved" in the decision, as defined in 2 Cal. Code Regs. section 18704.1(a); or

(2) It is reasonably foreseeable that the financial effect of a decision on a prospective employer is material as follows:

(A) For a business entity, the same as set forth in 2 Cal. Code Regs. section 18705.1(c);

(B) For a nonprofit entity, the same as set forth in 2 Cal. Code Regs. section 18705.3(b)(2); or

(C) For an individual, the same as set forth in 2 Cal. Code Regs. section 18705.3(b)(3).

(c) A person is a "prospective employer" of a public official if the official, either personally or through an agent, is "negotiating" or has an "arrangement" concerning prospective employment with that person.

(1) A public official is "negotiating" employment when he or she interviews or discusses an offer of employment with an employer or his or her agent.

(2) A public official has an "arrangement" concerning prospective employment when he or she accepts an employer's offer of employment.

(3) A public official is not "negotiating" or does not have an "arrangement" concerning prospective employment if he or she rejects or is rejected for employment.

(d) Notwithstanding subdivision (a), the prohibitions of Government Code section 87407 do not apply if:

(1) The governmental decision will affect the prospective employer in substantially the same manner as it will affect a "significant segment," as set forth in 2 Cal. Code Regs. section 18707.1(b)(1), of the public generally;

(2) The public official is legally required to make or participate in the making of the governmental decision within the meaning of Government Code section 87101 and 2 Cal. Code Regs. section 18708; or

(3) The prospective employer is a state, local, or federal governmental agency.

Note: Authority cited: Section 83112, Government Code. Reference: Section 87407, Government Code.

## HISTORY

1. New article 2.5 (section 18747) and section filed 10-28-98; operative 10-28-98 pursuant to Government Code section 11343.4(d) (Register 98, No. 44).

2. Change without regulatory effect amending subsections (a), (b)(1), (b)(2)(A)-(C) and (d)(1)-(2) filed 12-15-98 pursuant to section 100, title 1, California Code of Regulations (Register 98, No. 51).

3. Change without regulatory effect amending section filed 10-6-2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 41).

4. Amendment of subsections (a) and (b)(2)(A) filed 10-26-2004; operative 11-25-2004 (Register 2004, No. 44).